



Order Filed on January 19, 2022
by Clerk
U.S. Bankruptcy Court
District of New Jersey

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

McManimon, Scotland & Baumann, LLC
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Attorneys for Andrea Dobin, Chapter 7 Trustee

In re:

ALEXANDER J. FIGLIOLIA,

Debtor.

Case No. 17-20755 (KCF)

Honorable Kathryn C. Ferguson, U.S.B.J.

Chapter 7

**CONSENT ORDER ALLOWING ESTATE TO RETAIN
PORTION OF NET PROCEEDS OF SALE OF
PERSONAL PROPERTY AND GRANTING RELATED RELIEF**

The relief set forth on the following page numbered two (2) through four (4) is hereby
ORDERED.

DATED: January 19, 2022


Honorable Kathryn C. Ferguson
United States Bankruptcy Judge

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Debtor: Alexander J. Figliolia

Case No.: 17-20755 (KCF)

Caption: Consent Order Allowing Estate to Retain Portion of Net Proceeds of Sale of Personal Property and Granting Related Relief

THIS MATTER having been brought before the Court by Andrea Dobin, the Chapter 7 Trustee (the “**Trustee**”) in the bankruptcy proceeding of Alexander J. Figliolia, Chapter 7 debtor (the “**Debtor**”), by and through her counsel, on application for the entry of a Consent Order with the Internal Revenue Service and the State of New Jersey, Division of Taxation, both having a lien against the real and personal property of the Debtor and the Debtor’s wife, Janet Figliolia (deceased); and the parties having agreed on the terms set forth herein, as appears from the signatures of counsel affixed hereto, it is hereby

ORDERED AS FOLLOWS:

1. \$100,000 of the net proceeds (the “**Net Proceeds**”) of the sale of the personal property located at the Debtor’s residence at 105 Middletown Road, Holmdel, New Jersey (the “**Real Property**”) will be retained by the bankruptcy estate to be distributed in accordance with 11 U.S.C. 726, free and clear of the rights of the Debtor and/or the Estate of Janet Figliolia, as set forth hereinbelow.

2. The remainder of the Net Proceeds (the “**Remainder**”) will be held by the Trustee, in the Trustee’s counsel’s trust account, pending an adjudication as to priority between the Internal Revenue Service and/or the State of New Jersey, Division of Taxation in the Remainder or a resolution between such parties as to the same.

3. If and to the extent that the Debtor asserts an exemption in the personal property and/or the Sale Proceeds resulting from the sale of such property, the Trustee will treat such exemption as subject to the liens of the Internal Revenue Service and the State of New Jersey, Division of Taxation pursuant to 11 U.S.C. 522(c).

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4. If and to the extent that the Estate of Janet Figliolia lays claim to any of the Net Proceeds, this interest in the Net Proceeds is subject to the liens of the Internal Revenue Service and the State of New Jersey and, thus, will follow that portion of the Net Proceeds set aside for these secured creditors.

5. Nothing herein affects the obligation, priority or security of the claims of the Internal Revenue Service or State of New Jersey, Division of Taxation against any entity, including, but not limited to the Estate of Janet Figliolia, the Debtor's late wife, for remaining obligations that may be joint in nature.

6. The parties, and anyone who succeeds to their rights and responsibilities hereunder, including their successors and/or assigns, are bound by this Consent Order. This Consent Order is made for the benefit of the parties and all who succeed to their rights and responsibilities.

7. This settlement is subject to notice to creditors and an opportunity to object pursuant to [Fed.R.Bankr.P. 9019](#). If a timely objection is lodged and upheld by the Court, the parties will be returned to the *status quo ante*.

8. The Bankruptcy Court will retain exclusive jurisdiction to adjudicate all matters arising under or in connection with this Consent Order.

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Debtor: Alexander J. Figliolia

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*The undersigned hereby consent to
the form and entry of the within Order:*

**MCMANIMON SCOTLAND &
BAUMANN, LLC**

Attorneys for Andrea Dobin, Chapter 7 Trustee

GURBIR S. GREWAL

Attorney General for the State Of New Jersey
Division of Taxation

By: /s/ Joseph R. Zapata, Jr.
JOSEPH R. ZAPATA, JR., ESQ.

By: /s/ Valerie Hamilton
VALERIE HAMILTON, D.A.G.

Dated: December 20, 2021

Dated: December 20, 2021

DAVID A. HUBBERT

Acting Assistant Attorney General

By: /s/ Ward W. Benson
WARD W. BENSON, ESQ.
Trial Attorney, Tax Division
U.S. Department of Justice

Dated: October 12, 2021